

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

JAMES EASTMAN, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E.  
STANLEY O'NEAL, LOUIS DIMARIA,  
ALBERTO CRIBIORE, ARMANDO M.  
CODINA, VIRGIS W. COLBERT, JOHN D.  
FINNEGAN, AULANA L. PETERS,  
CHARLES O ROSSOTTI, JILL K.  
CONWAY, CAROL T. CHRIST, JUDITH  
MAYHEW JONAS, JOSEPH W. PRUEHER,  
ANN N. REESE, DAVID K. NEWBIGGING,  
THE INVESTMENT COMMITTEE OF THE  
MERRILL LYNCH & CO., INC. 401(K)  
SAVINGS AND INVESTMENT PLAN, THE  
ADMINISTRATIVE COMMITTEE OF THE  
MERRILL LYNCH 401(K) SAVINGS AND  
INVESTMENT PLAN, and JOHN DOES 1-  
20,

Defendants.

---

**Civil Action No.:** 08-CV-0058 (LBS)

*(Caption Continued)*

**PLAINTIFF JAMES EASTMAN'S SUBMISSION REGARDING THE  
APPOINTMENT OF INTERIM LEAD COUNSEL FOR THE CLASS**

---

ELIZABETH ESTEY, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY  
O'NEAL, CAROL T. CHRIST, ARMANDO M.  
CODINA, VIRGIS W. COLBERT, JILL K.  
CONWAY, ALBERTO CRIBIORE, JOHN D.  
FINNEGAN, JUDITH MAYHEW JONAS,  
DAVID K. NEWBIGGING, AULANA L.  
PETERS, JOSEPH W. PRUEHER, ANN N.  
REESE, CHARLES O. ROSSOTTI, LOUIS  
DIMARIA , PETER STINGI and JOHN AND  
JANE DOES 1-20,

Defendants.

---

**Civil Action No. 07-CV-10268 (LBS)**

MARY GIDARO, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., STAN  
O'NEAL, LOU DIMARIA, INVESTMENT  
COMMITTEE OF THE MERRILL LYNCH  
SAVINGS AND INVESTMENT PLAN;  
ADMINISTRATIVE COMMITTEE OF THE  
MERRILL LYNCH SAVINGS AND  
INVESTMENT PLAN and JOHN DOES 1-30,

Defendants.

---

**Civil Action No. 07-CV-10273 (LBS)**

*(Caption Continued)*

TARA MOORE, individually and on behalf of all others similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., MERRILL LYNCH & CO., INC. PLAN "INVESTMENT COMMITTEE," MERRILL LYNCH & CO., INC. PLAN ADMINISTRATIVE COMMITTEE, MERRILL LYNCH & CO., INC. MANAGEMENT DEVELOPMENT AND COMPENSATION COMMITTEE, LOUIS DIMARIA, E. STANLEY O'NEAL, ALBERTO CRIBIORE, ARMANDO M. CODINA, VIRGIS W. COLBERT, JOHN D. FINNEGAN, AULANA L. PETERS, and JOHN DOES 1-10,

Defendants.

**Civil Action No. 07-CV-10398 (LBS)**

GREGORY YASHGUR, individually and on behalf of all other similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC.,  
ADMINISTRATIVE COMMITTEE OF THE  
MERRILL LYNCH & CO., INC. 401K SAVINGS  
AND INVESTMENT PLAN, JOHN D.  
FINNEGAN, JUDITH JONAS MAYHEW,  
AULANA L. PETERS, JOSEPH W. PRUEHER,  
ANN N. REESE, CHARLES O. ROSSITTI,  
LOUIS DIMARIA, STAN O'NEAL, ALBERTO  
CRIBIORE, CAROL T. CHRIST, ARMANDO M.  
CODINA, VIRGIS W. COLBERT and JOHN  
DOES,

Defendants.

**Civil Action No. 07-CV-10569 (LBS)**

(Caption Continued)

CHRISTINE DONLON, On Behalf of All Others  
Similarly Situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., E. STANLEY O'NEAL, CAROL T. CHRIST, ARMANDO M. CODINA, VIRGIS W. COLBERT, JILL K. CONWAY, ALBERTO CRIBIORE, LOUIS DIMARIA, JOHN D. FINNEGAN, JUDITH MAYHEW JONAS, AULANA L. PETERS, JOSEPH W. PRUEHER, ANN N. REESE, CHARLES O. ROSSOTTI, JOHN DOES 1-20 (BEING CURRENT AND FORMER MEMBERS OF THE BENEFITS ADMINISTRATION COMMITTEE OF THE MERRILL LYNCH & CO., INC. EMPLOYEE STOCK OWNERSHIP PLAN) and JOHN DOES 21-40 (BEING CURRENT AND FORMER MEMBERS OF THE INVESTMENT COMMITTEE OF THE MERRILL LYNCH & CO., INC. EMPLOYEE STOCK OWNERSHIP PLAN),

Defendants.

**Civil Action No. 07-CV-10661 (LBS)**

CARL ESPOSITIO, individually and on behalf of  
all others similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., E. STANLEY O'NEAL, CAROL T. CHRIST, ARMANDO M. CODINA, VIRGIS W. COLBERT, JILL K. CONWAY, ALBERTO BRIBIORE, JOHN D. FINNEGAN, JUDITH MAYHEW JONAS, DAVID K. NEWBIGGING, AULANA L. PETERS, JOSEPH W. PRUEHER, ANN N. REESE, CHARLES O. ROSSOTTI, LOUIS DIMARIA, PETER STINGI, and JOHN AND JANE DOES 1-20,

Defendants.

**Civil Action No.: 07-CV-10687 (LBS)**

(Caption Continued)

---

SEAN SHAUGHNESSEY, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., MERRILL  
LYNCH & CO., INC. INVESTMENT  
COMMITTEE, MANAGEMENT  
DEVELOPMENT AND COMPENSATION  
COMMITTEE OF THE MERRILL LYNCH &  
CO., INC. BOARD OF DIRECTORS, THE  
MERRILL LYNCH TRUST COMPANY, FSB,  
ADMINISTRATIVE COMMITTEE OF THE  
MERRILL LYNCH & CO., INC. 401K SAVINGS  
AND INVESTMENT PLAN, LOUIS DIMARIA,  
ARMANDO M. CODINA, VIRGIS W.  
COLBERT, ALBERTO CRIBIORE, JOHN D.  
FINNEGAN, AULANA L. PETERS, and JOHN  
DOES 1-40,

Defendants.

**Civil Action No.:** 07-CV-10710 (LBS)

---

BARBARA BOLAND, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY  
O'NEAL, CAROL T. CHRIST, ARMANDO M.  
CODINA, VIRGIS W. COLBERT, JILL K.  
CONWAY, ALBERTO CRIBIORE, JOHN D.  
FINNEGAN, JUDITH MAYHEW JONAS,  
DAVID K. NEWBIGGING, AULANA L.  
PETERS, JOSEPH W. PRUEHER, ANN N.  
REESE, CHARLES O. ROSSOTTI, and JOHN  
AND JANE DOES 1-20,

Defendants.

**Civil Action No.** 07-CV-11054 (LBS)

*(Caption Continued)*

FRANCIS LEE SUMMERS, III, individually and  
on behalf of all others similarly situated,

Plaintiff,

V.

MERRILL LYNCH & CO., INC., STAN O'NEAL; LOU DIMARIA; INVESTMENT COMMITTEE OF THE MERRILL LYNCH SAVINGS AND INVESTMENT PLAN; ADMINISTRATIVE COMMITTEE OF THE MERRILL LYNCH SAVINGS AND INVESTMENT PLAN; and JOHN DOES 1-30

Defendants.

**Civil Action No. 07-CV-11615 (LBS)**

DOMINICK J. PASCULLO and RAYMOND  
GONZALES, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

V.

MERRILL LYNCH & CO., INC., MERRILL LYNCH & CO., INC. PLAN INVESTMENT COMMITTEE, MERRILL LYNCH & CO., INC. PLAN ADMINISTRATIVE COMMITTEE, MERRILL LYNCH & CO., INC. MANAGEMENT DEVELOPMENT AND COMPENSATION COMMITTEE, LOUIS DIMARIA, E. STANLEY O'NEAL, ALBERTO CRIBIORE, ARMANDO M. CODINA, VIRGIS W. COLBERT, JOHN D. FINNEGAN, AULANA L. PETERS and JOHN AND JANE DOES 1-20,

Defendants.

**Civil Action No. 08-CV-1116 (UA)**

Plaintiff, James Eastman, by his undersigned counsel, respectfully submits this response regarding the appointment of interim lead plaintiffs and interim co-lead counsel.

Plaintiff Eastman strongly supports the applications of Shalov Stone Bonner & Rocco LLP and Harwood Feffer, LLP, and their clients, in the above-captioned ERISA actions, including but not limited to, the application entitled Plaintiffs Gidaro and Donlon's Joint Amended Motion for Entry of [Proposed] Pretrial Order No. 1 Consolidating the ERISA Actions and Appointing Interim Lead Plaintiffs and Interim Lead Counsel.

Plaintiff Eastman believes that the interests of the putative class are best represented in this instance by all counsel working cooperatively under the leadership of these two firms.

Dated: February 11, 2008

Respectfully submitted:

MILBERG WEISS LLP

/s/ Lori G. Feldman

Lori Feldman (LF 3478)

[lfeldman@milbergweiss.com](mailto:lfeldman@milbergweiss.com)

Arvind Khurana (AK 3643)

[akhurana@milbergweiss.com](mailto:akhurana@milbergweiss.com)

One Pennsylvania Plaza

New York, NY 10119-0165

Telephone: (212) 594-5300

Facsimile: (212) 868-1229

Counsel for Plaintiff James Eastman

**CERTIFICATE OF SERVICE**

I, Sara Fuks, an associate with the law firm Milberg Weiss LLP, hereby certify that I caused a true and correct copy of Plaintiff James Eastman's Submission Regarding the Appointment of Interim Lead Counsel for the Class to be served with the Clerk of the Court using the CM/ECF system, which will send notifications of filing to the CM/ECF participants listed on the attached Service List, and caused all counsel listed on the Service List to be served by regular U.S. Mail on this 11<sup>th</sup> day of February 2008:

/s/ Sara Fuks

Sara Fuks



**MERRILL LYNCH ERISA**  
**SERVICE LIST**

<p><b><u>Counsel for Plaintiffs:</u></b></p>	
<p>Wai Kin Chan  <b>LAW OFFICES OF CURTIS V. TRINKO, LLP</b>  16 West 46<sup>th</sup> Street, 7<sup>th</sup> Floor  New York, NY 10036  (T) 212.490.9550  (F) 212.986.0158</p> <p><i>Attorneys for Plaintiffs Elizabeth Estey and Tara Moore</i></p>	<p>Joseph H. Meltzer  Edward W. Ciolko  Katherine B. Bornstein  Joseph A. Weeden  <b>SCHIFFRIN BARROWAY TOPAZ  &amp; KESSLER, LLP</b>  280 King of Prussia Road  Radnor, PA 19087  (T) 610.667.7706  (F) 610.667.7056</p> <p><i>Attorneys for Plaintiffs Elizabeth Estey and Tara Moore</i></p>
<p>Ralph M. Stone  Thomas G. Ciarlone  Amanda C. Scuder  <b>SHALOV STONE BONNER &amp; ROCCO LLP</b>  485 Seventh Avenue, Suite 1000  New York, NY 10018  (T) 212.239.4340  (F) 212.239.4310</p> <p><i>Attorneys for Plaintiff Mary Gidaro</i></p>	<p>Ronen Sarraf  <b>SARRAF GENTILE LLP</b>  11 Hanover Square  New York, NY 10005  (T) 212.868.3610  (F) 212.918.7967</p> <p><i>Attorneys for Plaintiff Mary Gidaro</i></p>
<p>Edwin J. Mills  <b>STULL, STULL &amp; BRODY</b>  6 East 45<sup>th</sup> Street  New York, NY 10017  (T) 212.687.7230  (F) 212.490.2022</p> <p><i>Attorneys for Plaintiff Gregory Yashgur</i></p>	<p>Robert I. Harwood  Samuel K. Rosen  <b>HARWOOD FEFFER LLP</b>  488 Madison Avenue, 8<sup>th</sup> Floor  New York, NY 10022  (T) 212.935.7400  (F) 212.753.3630</p> <p><i>Attorneys for Plaintiff Christine Donlon</i></p>

<p>Robert B. Weiser  <b>THE WEISER LAW FIRM, P.C.</b>  121 N. Wayne Avenue, Suite 100  Wayne, PA 19087  (T) 610.225.2677</p> <p><i>Attorneys for Plaintiff Christine Donlon</i></p>	<p>Lynda J. Grant  <b>COHEN, MILSTEIN, HAUSFELD  &amp; TOLL, P.L.L.C.</b>  150 East 52<sup>nd</sup> Street, 13<sup>th</sup> Floor  New York, NY 10022  (T) 212.838.7797  (F) 212.838.7745</p> <p><i>Attorneys for Plaintiff Carl Esposito and  Barbara Boland and Ann Molin</i></p>
<p>Steven J. Toll  Bruce F. Rinaldi  <b>COHEN, MILSTEIN, HAUSFELD  &amp; TOLL, P.L.L.C.</b>  1100 New York Avenue, NW  Suite 500 West  Washington, DC 20005-3964  (T) 202.408.4600  (F) 202.408.4699</p> <p><i>Attorneys for Plaintiff Carl Esposito</i></p>	<p>Marc I. Machiz  <b>COHEN, MILSTEIN, HAUSFELD  &amp; TOLL, P.L.L.C.</b>  1 South Broad Street, Suite 1850  Philadelphia, PA 19107  (T) 215.825.4016  (F) 215.825.4001</p> <p><i>Attorneys for Plaintiff Carl Esposito</i></p>
<p>Lynn L. Sarko  Derek W. Loeser  Erin M. Riley  Tyler L. Farmer  <b>KELLER ROHRBACK L.L.P.</b>  1201 Third Avenue, Suite 3200  Seattle, WA 98101-3052  (T) 206.623.1900  (F) 206.623.3384</p> <p><i>Attorneys for Plaintiff Carl Esposito and  Barbara Boland and Ann Molin</i></p>	<p>William Bernarduci  Robert I. Izard  <b>SCHATZ NOBEL IZARD P.C.</b>  20 Church Street, Suite 1700  Hartford, CT 06103  (T) 860.493.6292  (F) 860.493.6290</p> <p><i>Attorneys for Plaintiff Sean Shaughnessey</i></p>

<p>Diane Nygaard  <b>THE NYGAARD LAW FIRM</b>  4501 College Blvd., Ste. 260  Leawood, KS 66211  (T) 913.469.5544  (F) 913.469.1561</p> <p><i>Attorneys for Plaintiff Sean Shaughnessey</i></p>	<p>Carolyn G. Anderson  Timothy J. Becker  Anne T. Regan  Kirsten D. Hedberg  <b>ZIMMERMAN REED, P.L.L.P.</b>  651 Nicollet Mall, Suite 501  Minneapolis, MN 55402  (T) 612.341.0400  (F) 612.341.0844</p> <p><i>Attorneys for Plaintiff Barbara Boland and Ann Molin</i></p>
<p>Gregg M. Fishbein  <b>LOCKRIDGE GRINDAL NAUEN, P.L.L.P.</b>  100 Washington Avenue So., Suite 2200  Minneapolis, MN 55401  (T) 612.339.6900  (F) 612.339.0981</p> <p><i>Attorneys for Plaintiff Barbara Boland and Ann Molin</i></p>	<p>Jill S. Abrams  <b>ABBAY SPANIER RODD &amp; ABRAMS, LLP</b>  212 E. 39<sup>th</sup> Street  New York, NY 10016  (T) 212.889.3700  (F) 212.684.5191</p> <p><i>Attorneys for Plaintiff Francis Lee Summers, III</i></p>
<p>Robert M. Roseman  Theodore M. Lieverman  Andrew D. Abramowitz  David Felderman  <b>SPECTOR, ROSEMAN &amp; KODROFF, P.C.</b>  1818 Market Street, Suite 2500  Philadelphia, PA 19103  (T) 215.496.0300  (F) 215.496.6611</p> <p><i>Attorneys for Plaintiff Francis Lee Summers, III</i></p>	<p>William T. Payne  <b>STEMBER, FEINSTEIN, DOYLE &amp; PAYNE, LLC</b>  Pittsburgh North Office  1007 Mt. Royal Boulevard  Pittsburgh, PA 15223  (T) 412.492.8797  (F) 412.492.8978</p> <p><i>Attorneys for Plaintiff Francis Lee Summers, III</i></p>
<p>Ellen M. Doyle  <b>STEMBER, FEINSTEIN, DOYLE &amp; PAYNE, LLC</b>  1705 Allegheny Building  492 Forbes Avenue  Pittsburgh, PA 15219  (T) 412.338.1445  (F) 412.232.3730</p> <p><i>Attorneys for Plaintiff Francis Lee Summers, III</i></p>	<p>Thomas J. McKenna  <b>GAINEY &amp; MCKENNA</b>  295 Madison Avenue  New York, NY 10017  (T) 212.983.1300  (F) 212.983.0383</p> <p><i>Attorneys for Plaintiffs Dominick Pascullo and Raymond Gonzales</i></p>

<p><b><u>Counsel for Defendants:</u></b></p>	
<p>Jay B. Kasner  <b>SKADDEN, ARPS, SLATE, MEAGHER  &amp; FLOM LLP</b>  Four Times Square  New York, NY 10036  (T) 212.735.3000  (F) 212.735.2000</p> <p><i>Attorneys for Defendant Merrill Lynch &amp; Co.</i></p>	<p>Paul Blakenstein  <b>GIBSON, DUNN &amp; CRUTCHER, LLP</b>  1050 Connecticut Avenue, N.W.  Washington, DC 20036  (T) 202.955.8500  (F) 202.955.0539</p> <p><i>Attorneys for Defendants E. Stanley O'Neal,  Carol T. Christ, Armando M. Codina, Virgis  W. Colbert, Jill K. Conway, Alberto Cribiore,  John D. Finnegan, Judith Mayhew Jonas,  David K. Newbigging, Aulana L. Peters,  Joseph W. Prueher, Ann N. Reese, Charles O.  Rossotti, Louis Dimaria, and Peter Stingi</i></p>